

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Angel M. Stull,

Case No. 3:10CV693

Plaintiff

v.

ORDER

Comm'r of Social Security,

Defendant

This is a social security disability case in which the Magistrate Judge filed a Report and Recommendation recommending affirmance of the Commissioner's decision to deny benefits to the plaintiff. (Doc. 17).

Pending is plaintiff's objection to the Report and Recommendation. (Doc. 18).

The Commissioner has not filed a response. Such failure constitutes waiver of the right to appeal, *cf. U.S. v. Walters*, 638 F.2d 947 (6th Cir. 1981) (failure to object to Report and Recommendation waives right to challenge final order on appeal).

On review of the Report and Recommendation and objections, and, in the absence of opposition thereto, I find the objections well taken. Remand, as the plaintiff requests, is appropriate. On remand, the Commissioner's further review of the claim for benefits shall conform to the plaintiff's objections, where are hereby incorporated herein.

It is, therefore:

ORDERED THAT the objections to the Report and Recommendation are sustained, the Report and Recommendation of the Magistrate Judge is not accepted, and this case be, and the same hereby is remanded to the Commissioner for further proceedings consistent with this Order.

So ordered.

s/James G. Carr
United States District Judge